

COMMISSION ON JUDICIAL PERFORMANCE
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FOR RELEASE
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JUDICIAL PERFORMANCE COMMISSION INSTITUTES FORMAL
PROCEEDINGS CONCERNING JUDGE JOSEPH W. O'FLAHERTY

The Commission on Judicial Performance has instituted formal proceedings to inquire into matters concerning Judge Joseph W. O'Flaherty of the Placer County Superior Court. The commencement of formal proceedings is not a determination of judicial misconduct. The formal proceedings concern allegations that the judge abused his authority, demonstrated embroilment, and denied notice and an opportunity to be heard to the plaintiff in a small claims case against whom the judge entered an order based on remarks made by witnesses after the judge had dismissed the case and the plaintiff had left the courtroom. It is alleged that these actions constitute willful misconduct in office, conduct prejudicial to the administration of justice that brings the judicial office into disrepute and improper action.

In accordance with the rules that govern Commission proceedings, a hearing will be conducted by Special Masters appointed by the Supreme Court. At the hearing, the parties will have an opportunity to introduce evidence and examine and cross-examine witnesses. Judge O'Flaherty is represented by attorney James A. Murphy, Esq., of Murphy, Pearson, Bradley and Feeney in San Francisco, California.

Following completion of the hearing, the Special Masters will provide the Commission with a report containing findings with respect to the charges. The parties will have an opportunity to present their views on the report to the Commission through briefing and argument. If the Commission determines that charges are proved by clear and convincing evidence, it is empowered to remove, censure, publicly admonish, or privately discipline the judge. Charges that the Commission determines are not proved will be dismissed. A determination by the Commission to remove, censure, or admonish a judge is subject to discretionary review by the Supreme Court upon petition by the judge.

The Notice of Formal Proceedings is available for public inspection at the Commission office. A copy of the Notice of Formal Proceedings is also posted on the Commission's Web site at www.cjp.ca.gov (under "Press Releases"). Judge O'Flaherty's Answer to the Notice is due February 22, 2010. Upon filing, the judge's Answer will be made available for public inspection.

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The Commission is composed of three judges, two lawyers, and six public members. The Chairperson is the Hon. Judith D. McConnell of the Court of Appeal, Fourth Appellate District, in San Diego, California.

For further information about the Commission on Judicial Performance, see the Commission's Web site.